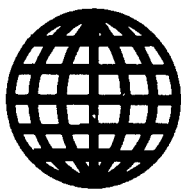


JPRS-NEA-92-095  
23 JULY 1992



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# ***JPRS Report***

## **Near East & South Asia**

***REGIONAL AFFAIRS***

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U.S. DEPARTMENT OF COMMERCE  
NATIONAL TECHNICAL INFORMATION SERVICE  
SPRINGFIELD, VA 22161

**19980518 098**

# Near East & South Asia

## REGIONAL AFFAIRS

JPRS-NEA-92-095

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### **Besharati on Relations With Saudi Arabia**

92AE0429A Jeddah AL-MADINAH in Arabic 6 Jun 92  
p 25

[Interview with Deputy Iranian Foreign Minister Mohammad Ali Besharati by Khalid al-Matrafi; place and date not given]

[Text] Iranian Deputy Foreign Minister Mohammad Ali Besharati has praised the expansion work the Guardian of the Two Holy Places King Fahd Bin 'Abd-al-'Aziz carried out in Mecca and in the honorable Prophet's Mosque. In an exclusive interview with AL-MADINAH he affirmed that the expansion of the Holy Mosque, the services the Kingdom provides to the two holy places, and the necessary facilities it offers the pilgrims are regarded as a great service. The Iranian Deputy Foreign Minister also praised the relations between the Kingdom of Saudi Arabia and the Iranian Islamic Republic, characterizing them as very strong and daily growing.

The following is text of the interview.

[al-Matrafi] How would your excellency describe the Saudi-Iranian relations?

[Besharati] Relations between the Kingdom of Saudi Arabia and Iran are very strong. They are deeply rooted in history. No other countries in the area enjoy such characteristics, particularly in the field of serving Islam. No other countries in the world care for the Muslims' affairs as the Kingdom of Saudi Arabia and Iran do. No security and stability can be achieved without the Kingdom of Saudi Arabia and Iran. We would like to stress that the ground is prepared for strong relations between the two countries. The occupation of Kuwait was a test for the countries and for the stands they adopt in the area, as well as for their credibility. On the basis of these factors, we must exert efforts to expand these relations. Thank God the leadership in both countries cherish such ambitions.

[al-Matrafi] What is your comment on the advice which the Guide of the Iranian revolution Khamenei and the Iranian President Hashemi-Rafsanjani gave to the Iranian pilgrims who came to perform the hajj ritual regarding the need to comply with the instructions and regulations issued by the government of the Guardian of the Two Holy Places?

[Besharati] We believe that this is a major step and a great leap forward toward development of relations at the highest levels between the two countries. We have informed the pilgrims of the need to comply with all the Saudi instructions.

[al-Matrafi] Can your excellency tell us, what is the Iranian Islamic Republic's attitude toward the total boycott of the Yugoslav regime in view of what the Serbs are committing against the Muslims in Bosnia-Herzegovina?

[Besharati] As you know, we were one of the first countries that officially recognized the Islamic state of

Bosnia-Herzegovina, and that Bosnia-Herzegovina President Ali Izzat has thanked us for our stand. In fact we were the first Islamic country to withdraw its ambassador from Belgrade. Fortunately the Islamic Conference Organization [ICO] also adopted an honorable stand by recommending that the Islamic countries withdraw their ambassadors from Yugoslavia. The Kingdom of Saudi Arabia and Iran adopted a joint resolution banning the sale of oil to Yugoslavia. In this we have acted on the basis of common grounds.

[al-Matrafi] What was the purpose of [Foreign Minister] Dr. Velayati's visit to Lebanon and what effect will the visit have in the area?

[Besharati] Dr. Velayati's visit to Lebanon was in response to a visit by Lebanese Foreign Minister Faris Buwayz last year. Dr. Velayati's visit to Lebanon was his first visit. Our relations with Lebanon are good. Lebanon had an ambassador in Iran for many years.

[al-Matrafi] What is the state of relations between Iran and the Gulf Cooperation Council [GCC] countries?

[Besharati] Our relations with all these countries are strong and good. They have particularly been strengthened after the Iraq-Iran war which lasted eight years. Our relations are strong with all the GCC countries, particularly the Kingdom of Saudi Arabia. Dr. Velayati recently was in Kuwait. Two weeks ago his excellency Hasan Habibi, first deputy of his excellency the Iranian president, visited Qatar as part of the effort to strengthen relations with the GCC countries. Iran's relations with the GCC countries are neighborly relations.

[al-Matrafi] Do you expect to return the Iraqi planes to Iraq?

[Besharati] In this regard we comply with the Security Council resolutions. According to the Security Council resolution, all Iraq's movable properties in whatever country they exist should remain in the territory of that country until the Security Council decides what should be done with them. So far Iraq has twice asked the Security Council to give it its planes in Iran, but the Security Council rejected this demand. These planes will remain in our territory until the United Nations, and particularly the Security Council, decides their fate.

[al-Matrafi] Your excellency Mohammad Besharati, you have visited Mecca and Medina. What are your impressions of the expansion project of the Holy Mosque and the honorable Prophet's Mosque? How did you find the facilities provided to the Iranian pilgrims by the government of the Guardian of the Two Holy Places?

[Besharati] In fact great achievements have been accomplished in the past 10 years in the two holy mosques, especially the Holy Mosque in Mecca, the world's holiest place, about which God said: "Surely, the first House established for the benefit of all mankind is the one in Mecca, abounding in blessings and means of guidance for all peoples. In it are manifest Signs: In it is the station of Abraham; and whosoever enters it is secure. [3:96]

According to these verses, the Holy Mosque is the world's first and holiest place as well as the most secure place for everybody. The Kingdom's service of the Holy Mosque, the Guardian of the Two Holy places' expansion project, and provision of the necessary facilities for the pilgrims are regarded as a great service. Also the expansions that have been completed in Medina are remarkable. I have personally seen this accomplishment. In this year's pilgrimage season there are about 100,000 pilgrims all of whom can see for themselves the facilities provided to them. They can also see with their own eyes the expansion of the two holy mosques, the building of highways, and the various services offered to the visitors. We would like in particular to thank the Guardian of the Two Holy Places for all these services. I would like to add a few words here, that the Iranian pilgrims are well organized whether in terms of accommodation or of transportation using a caravan system. The Saudi officials have confirmed this for us. Thus upon returning home the Iranian pilgrims will act as ambassadors for Saudi Arabia in Iran. They will faithfully report the good organization they have seen. I personally told the pilgrims to comply with the Kingdom's laws, and they are actually doing that.

We always give advice to our pilgrims. Even before they arrive in the Kingdom the Iranian pilgrims are subjected to strict search in order to make sure that they are not carrying anything that might violate the Kingdom's laws. This goes to show our great respect for the Kingdom's laws.

[al-Matrafi] How does Your Excellency see the role of the Guardian of the Two Holy Places in the repair to be carried out in the al-Aqasa Mosque and the Dome of the Mosque [in Jerusalem]?

[Besharati] My personal view and my impression is that the Guardian of the Two Holy Places, having completed the expansion work in the two holy mosques in the Kingdom, has turned toward repairing the al-Aqsa Mosque which is considered to be the Muslim's first Qiblah.

### First Kurdish Election Results Reported

92AE0453A London AL-SHARQ AL-AWSAT in Arabic  
9 Jun p 6

[Article by Jim Muir]

[Text] Irbil—The Kurdish elections almost turned into a frustrating process immediately after the ballot boxes were closed, when a group of small Kurdish parties accused the two major parties of giving their supporters a chance to vote for their candidates more than once. In the meantime, the two major parties, the Kurdish Democratic Party [KDP] and the Kurdish Nationalist Front [KNF], accused one another of exploiting the elections in a similar fashion.

In fact, 88 percent of the Kurds went to the polls, and the percentage was expected to be higher than that, had more ballot stations been made available.

The elections have shown that the political power of the two Kurdish leaders, Mas'ud Barazani and Jalal Talabani, is about equal, as a result of which seats in the Representative Council were split between followers of the two leaders; however, Mas'ud Barazani's party won by a small majority, thus giving him 51 seats against 49 for Talabani's party.

But the small difference in the votes and the exchange of accusations convinced both sides to share the seats equally. Therefore, arrangements will be made for a run off election to be held within two months, which will be a kind of "presidential election" that will decide the name of the first leader of Kurdistan.

But although the Kurdish elections have resolved the question of Kurdish representation, they offered nothing new on the level of the Kurdish economic situation. Moreover, they have further worsened relations between Mas'ud Barazani—the more moderate leader—and the Iraqi regime in Baghdad, and brought him closer to Jalal Talabani who is opposed to any political settlement with Baghdad.

On the security level, Iraqi Kurds still heavily rely on the Western coalition countries to protect them against the Iraqi regime's forces that block passageways to their area in the south and impose a strict economic blockade against them.

Although the parliamentary seats have equally been shared by the two principal Kurdish parties as a result of secret and tough negotiations, the Kurds consider themselves as having successfully passed their first political test, showing that they can establish an administration of their own. This was a message to countries in the region that have a large Kurdish population, particularly Turkey and Iran.

The Kurdish leadership, with the first stage of its democratic experiment having been completed, is preparing to improve the election process, organize an electors' register, set up a larger number of polling stations, and provide a really indelible ink. The most significant problem the elections faced 24 hours before they were held last May, was the discovery by the election supervisors that the special ink Germany sent in order to be applied to the electors' fingers so as to prevent them from voting more than once, was an ink that dries quickly and easily disappears merely by cleaning it with detergent material. Therefore, the results of the first free elections in Iraq's Kurdistan can be considered a primary test and a political truce between the two major parties.

Apparently the majority of the Kurds have welcomed this democratic settlement, for they have welcomed the election results with dancing and singing and firing in the air.

A Kurdish citizen expressed this feeling by saying: Everybody knows that the elections results were slightly "doctored," but we are happy that we have emerged

from them united, a great victory against the Baghdad government which expected us to fight one another because of the elections.

But the question remains: Will this unity last when correct elections are held and one party emerges victorious and the other defeated?

In fact, the guarantee for this unity is the pledge by Kurdish leaders Mas'ud Barazani and Jalal Talabani to continue to cooperate and to work together regardless of the results of the next elections.

### **Kurdish Leaders on Elections, Future of Iraq**

92AE0459A London SAWT AL-KUWAYT  
AL-DUWALI in Arabic, 14, 15, 16 Jun 92

[Second, third, and fourth installments of a four-part interview with Kurdish Leaders in Northern Iraq by 'Adnan Husayn; respectively with Jalal Talabani, Dr. Mahmud 'Uthman, and 'Aziz Muhammad; first installment, also with Jalal Talabani, was published in FBIS-NES-92-119, 19 Jun 92, pp 23-24]

[14 Jun p 5]

[Text] Shaqlawah, Iraqi Kurdistan

### **Talabani: 'We Hope To Turn Kurdistan Into an Oasis of Democracy'**

In the second part of his interview, the leader of the Kurdish National Union, Jalal Talabani, stressed that international protection for the Kurds would probably be extended. He indicated possibilities that work between the two main Kurdish organizations would continue without resort to mutual fighting.

Talabani illustrated the contacts that Kurdish leaders have made with Arab governments and organizations to present the dimensions of the Kurdish issue.

The following is the second part of the interview:

[Husayn] The Iraqi regime will never accept implementation of the projects you have discussed. With no prospect for a settlement with that regime and with the international protection umbrella unlikely to last over the long term, how will the Kurdistan administration be able to implement these projects? What is your self-defense capability?

[Talabani] Before talking about self-defense capability, I want to indicate two points that I consider important. The first is that the assessments of the Kurdish National Union have proved true and realistic. We said that this government would not accept even a minimum of our rights and demands. We said that the dictatorship is by its nature historically incapable of solving the Kurdish question. We said that even when the dictatorship treats a Kurdish figure courteously, it is aiming only at splitting and fragmenting Kurdish national ranks. The Baghdad dictatorship now has bared its real face by demanding during the election process the heads of both Barzani and Talabani, whereas in the past it had concentrated its fire on Talabani alone.

The second point I want to mention concerns the subject of international protection. I think the allies will extend the stay of their forces in Turkey indefinitely. There is information indicating that Turkey has agreed to this in principle. Nevertheless, I am convinced that the new Kurdistan administration must work to create self-defense forces. In the end, we cannot rely on foreigners, either in the economic and humanitarian area or in the area of providing security to us. A year ago the National Union raised the slogan, "We cannot allow Kurdistan to be turned into a permanent refugee camp or the Kurdish people to be turned into beggars." Now we are raising an additional slogan, "We cannot allow Kurdistan to be without self-defense," so that it always relies on outsiders. One provides the element of self-defense by uniting the Peshmerga forces with a reasonable number of between ten and a hundred thousand regular trained fighters equipped with the necessary weapons (either weapons available in Kurdistan or what we obtain from friends). When anti-armor and anti-aircraft weapons are provided, we shall be able to guarantee Iraqi Kurdistan a security cover that will enable us to defend ourselves. Besides, regional and international issues, especially issues of the Middle East, have become linked. Just as Saddam Husayn's invasion of Kuwait affected regional and international conditions, and just as that invasion led to the growth of a situation in Iraq that we were able to exploit in order to set up a free local administration, the countries of the region cannot allow the Iraqi regime to launch a new invasion of Kurdistan. I think the Iraqi dictatorship realizes and fears this fact and therefore is not launching a war against us. I believe that peace in Kurdistan will continue, not because Saddam Husayn has stopped his aggressiveness and belligerence, but because he is no longer able. He is suffering from an internal predicament—economic, social, political, and military crises. The Iraqi army's morale is sinking. It is not that the army is not brave, but it has become aware of the nature of this reckless dictator who leads Iraq from disaster to disaster and from one tragedy to another—from a costly civil war lasting 30 years, to an insane, criminal war with Iran lasting 8 years, and to an evil invasion of peaceful little Kuwait that had given him so much.

[Husayn] Henceforth the parliament is to be the effective sovereign in Kurdistan and the decisionmaker about everything. However, you and the Kurdish Democratic Party (KDP) divide the seats in parliament equally and have different programs, particularly on ways to solve the Kurdish question in Iraq. How will it be possible to reconcile the two programs and make decisions in a parliament divided down the middle?

[Talabani] Agreement will be reached by dialogue and joint efforts. An agreement has been signed by the two parties stressing joint action. Issues on which consensus is not reached will be postponed. Negotiations with Baghdad, for example: if we are not agreed on them, they will be stopped. This agreement prevents disagreements or conflicts from occurring between us. Furthermore, parliament is not 100 deputies. There are also five

deputies from the Assyrians, four of them from the Assyrian Democratic Movement. They will hold the key if agreement between the two main parties proves unreachable. They can provide a majority to either of the two parties. I hope that no split occurs with our brothers in the KDP. I am convinced that problems and disagreements must be solved by mutual understanding.

[Husayn] Do you see a role for the Kurdish Front after the formation of parliament and the local government?

[Talabani] Certainly! The Kurdish Front is a political front. Political fronts arise among various political parties and forces in government or opposition cooperating to realize joint agendas. The Kurdish Front has not lost its importance and role in coordination and cooperation between its parties, in uniting Kurdish forces, and in guaranteeing unity in the Kurdish ranks. One of its tasks in the coming period will be to make decisions and submit them as recommendations to the parliament and local government.

[Husayn] The front's negotiations with the Iraqi government remain suspended pending the results of the elections. If the government, which has already called your elections illegal, refuses to resume negotiations with the institutions you establish afterward, what is the next step?

[Talabani] The next step is that if the government wants to resume negotiations, it must negotiate with the Kurdistan regional government. The parliament will form a government, which will be empowered to negotiate. However, the Iraqi government utterly rejects the elections, their results, and their outcome, and thus it is the one that is refusing to resume negotiations. I think we have a duty to turn Iraqi Kurdistan into an oasis of democracy. This oasis must provide shade for all Iraqis and Iraqi opposition forces that we hope will have a presence in Kurdistan. They will enjoy the right of political and information action. The coming Iraqi opposition conference must be made a success.

We are working for a democratic Iraq where democratic rights and freedoms are available to all, including Kurdish and Arab citizens. In no case can we ignore the objective historical facts of the existence of close, deep-rooted relations between Arabs and Kurds, between the sister Arab and Kurdish nations. When we succeed in overthrowing the dictatorship and establishing democracy, our problems will end.

[Husayn] Are we to understand that you are calling on the united Iraqi opposition forces abroad to come home to this liberated part of Iraq?

[Talabani] In my own name and in the name of the Kurdish National Union, I say yes. This can be considered a call. However, a decision from the government and parliament is necessary. The fact is that we received a number of Iraqi opposition figures here during the election period. We welcomed them and invited them to return to the country as soon as possible.

[Husayn] Are we to understand, too, that it has become possible to hold the second conference of the Iraqi opposition in Kurdistan?

[Talabani] In my assessment, yes. But the final decision in the matter also belongs to the Kurdish Front, the parliament, and the government.

[Husayn] I think there is a misunderstanding in the Arab world of the Kurdish issue in Iraq and a lack of acquaintance with its nature and with the goals of the Kurdish movement. You must have noticed that the elections attracted journalists and observers from all parts of the world except the Arab world. My presence here is the one exception. How can this be remedied?

[Talabani] For a long time I have been one of the strongest believers in the need for close relations between Kurds and Arabs, and I still believe in it. I remember an American writer who in 1964 published a book entitled, *Journey Among Brave Men*. He said in it that among the Kurdish leaders he had met, he had found that Jalal Talabani understood the importance of explaining the Kurdish issue to the Arabs and the Arab liberation movement and the importance of making contact with Jamal 'Abd-al-Nasir. I personally made great efforts in this direction. Since 1955 I have made numerous visits to Damascus and Cairo, and others have made similar efforts on behalf of the KDP. Our efforts bore fruit in good relations with the Syrian national movement, the Arab national movement, and with 'Abd-al-Nasir, who gave us a radio station that broadcast from there in Kurdish and had a great influence. A number of comrades who were nationalist figures in Iraq shared in our efforts—for example, the late Fa'iq al-Samarra'i and the late Siddiq Shanshal. In 1963 I headed the first Kurdish delegation to Cairo and then to Algeria. We were trying to find a peaceful solution to the Kurdish issue in an Arab context.

Since that time, our position has been to remain within the large Arab entity, enjoying real equality in exercising rights, duties, and authority. We have had close relations on this basis with the movement of Arab nationalists in Palestine, Lebanon, the Arab south, and other patriotic and nationalistic Arab forces in Algeria, Syria, and Kuwait. We have established relations at the official level with Lebanon, Syria, and Jordan. I personally have met Shaykh Sa'd al-'Abdallah al-Sabah and have visited Saudi Arabia. I also have established relations with many prominent intellectuals and leaders of Arab thought.

The Kurds, like the Arabs and other peoples, are a people who have been present in this area since ancient times. We are not newcomers or a small minority. We were present in this land before the dam of Ma'rib collapsed in Yemen.

[15 Jun p 5]

[Text]

**Dr. 'Uthman: 'No Prospects for Negotiations With Baghdad'**

SAWT AL-KUWAYT's correspondent in Iraqi Kurdistan met the Kurdish leader Dr. Mahmud 'Uthman, an official in the joint leadership of the Kurdish Socialist Party and the Kurdish Democratic Independence Party. He is one of the four figures who entered the electoral race for leadership of the Kurdish liberation movement. The interview focused on conditions in Kurdistan, the results of the elections, and the future of the suspended negotiations with the Iraqi regime.

The text of the interview follows.

[Husayn] How do you view the results of the elections for the Kurdistan national assembly?

[Uthman] The election campaign was good, although opportunities for the candidates and competing lists were unequal. Those with greater material resources and television stations had a greater chance to present themselves and their programs to the voters. However, the democratic atmosphere of the campaign proved that our Kurdish people, and our Iraqi people in general, are able to practice democracy and peaceful coexistence if the dictatorship is removed from them.

As for the election process itself, which we hoped would be clean, honest, and up to the level of the campaign, it witnessed irregularities, deficiencies, and a kind of fraud. We hoped that each party would achieve results reflecting its size and role, that consequently all orientations cooperating among themselves to solve the problems of the Kurdish people would be represented in parliament, and that Kurdistan would become a base to serve the struggle of the Iraqi people to remove the dictatorship and establish a democratic regime.

Politically, the elections turned into intense competition between the KDP and Kurdish National Union lists.

It became clear that the Kurdish people in general voted for the two parties because of the sharp polarization between them. This, in addition to the irregularities and fraud, contributed to the loss of many votes to the other parties, which did not achieve the percentage needed for representation in parliament. Everyone has admitted the irregularities. It has therefore been agreed to hold new elections this October.

We hope these elections will be held in a different manner after population statistics are regularized, unified voter identification cards are provided, and personality-based competition is reduced.

[Husayn] Do you think circumstances will allow the elections to be held on schedule?

[Uthman] Everyone is agreed, and there is a resolution on the matter. I do not know whether the elections for the post of leader will influence the new parliamentary elections. If one of the candidates wins and the other

does not accept the result, so that tension arises, this may cause a postponement of parliamentary elections.

The important thing for us is that the defects be remedied and honesty be guaranteed. I think there is nothing to prevent holding the elections if the parties want them. Our people, as you yourself have seen, are aware people and have demonstrated full readiness to practice democracy.

[Husayn] What is the wisdom of creating the position of leader of the Kurdish movement and electing him by direct popular vote?

[Uthman] The idea originally was not the way it is now. After the establishment of the Kurdish Front, we proposed choosing a leader for it. It was agreed at the time that Mas'ud Barzani would be the front's head domestically and that Jalal Talabani would be its head abroad. After the uprising occurred and the greater part of Iraqi Kurdistan was liberated from government control, we became aware of a kind of duplication in leadership activity. To end this duplication and to make decisions on other controversial issues confronting the Kurdish Front, we proposed holding a conference of the Kurdish Front or a Kurdistan people's conference to select a president for the front. After the government withdrew from Kurdistan and the need arose to establish an elected administration, it was decided that the president of the front or leader of the Kurdish liberation movement should be elected by the people on the same day as the parliamentary elections.

I believe that it is not correct or sound to apply the term "leader" to the office. The correct thing is for him to be called the "official" or "president" of the Kurdistan region, because leadership of the liberation movement is a militant position determined by the groups in the movement, not by the people.

[Husayn] If new parliamentary elections are held and satisfy the required conditions, do you believe that the parties not represented in the current parliament will achieve better results?

[Uthman] Yes, certainly; provided that the elections are honest and free of the unsound practices that occurred in the last elections.

Naturally, the KDP and the Kurdish National Union will remain the largest parties in parliament, but each of the other parties will have its weight and role in parliament, reflecting its real strength. The results of the last elections were very far from the reality. The two main parties came out with a size greater than their real size, and the small parties came out with a size much smaller than their real size.

[Husayn] In light of the sharp polarization between the two major parties and their equal division of the seats in parliament, how do you think matters will proceed in parliament?

[Uthman] We hope they will proceed well, for the Kurdish people are facing many problems that they hope will be solved. They hope that parliament will move immediately to solve the everyday problems stemming

from the twofold siege imposed on Kurdistan, rebuild the country, and bring the refugees and displaced people back to their homes.

[Husayn] What about negotiations with Baghdad—will they be resumed or remain suspended?

[Uthman] Resuming negotiations depends to a great extent on the Iraqi regime. The negotiations halted because of disagreement on four basic issues: 1) establishing a democratic regime in Iraq and ratifying a permanent democratic constitution; 2) the borders of the autonomous region (the regime wants to keep Kirkuk, Khaniqin, and Zammarr outside the borders; we expressed readiness to accept temporarily pending a census to determine whether these areas have a Kurdish majority, but the regime refused); 3) the regime's insistence on rebuilding its repressive apparatus (security, intelligence, investigation, and Ba'th Party organizations) in Kurdistan; this we reject because this apparatus was responsible for terrible crimes against our people and because the March 1970 agreement provided that local agencies be formed by self-government bodies and be subordinate to them; and 4) political and party activity in the armed forces (Iraqi law forbids any activity by non-Ba'thist political parties in the armed forces; we rejected this, demanding that our parties have the right to work in the armed forces, or that the military be turned into a neutral institution with party activity banned in it for everyone, including the Ba'th).

The regime increased its negative position by imposing an economic blockade on Kurdistan, withdrawing government departments, carrying out military provocations against Peshmerga forces, and directing insults and slurs against the Kurdish people and the Kurdish Front and its leaders through the information media.

I personally do not think suitable ground is present for resuming negotiations. The ground will be there only if the government changes its mentality and reexamines its policy fundamentally. I do not think such a change will occur. I have kept up with this ruling group since the negotiations that produced the March 1970 agreement, when I was head of the Kurdish negotiating delegation and Saddam Husayn was head of the government delegation. Since that time, I have met with him 12 times. When I met with him last year, I found that his mentality now is worse than it was in the past. It is a mentality that does not think realistically. He wants to dominate everything and is not ready to solve problems. Despite the defeat he suffered in the Gulf war, he still talks about victory!

We made great efforts and showed every kind of flexibility to reach a peaceful solution of the Kurdish problem, but they prevented it. Future developments will depend on the balance of forces between us and them and on the international situation.

[Husayn] How do you envision future relations between Kurds and Arabs in Iraq?

[Uthman] Our slogan is "Self-determination for the Kurdish people." I think close relations between the two peoples are needed to make this a reality. In fact, this relationship has continued to exist even in the worst circumstances. No great break has occurred in the relationship. There is damage that government policies have caused. I believe that the common struggle for democracy in Iraq will strengthen relations between the two peoples and create the ground for different nationalities to live together in Iraq.

[16 Jun p 5]

[Text]

#### **Communist Party Secretary: 'Saddam's Regime Can Be Toppled, But Opposition Is Inadequate'**

SAWT AL-KUWAYT's correspondent in Iraqi Kurdistan conducted an interview with the general secretary of the Iraqi Communist Party, 'Aziz Muhammad, covering conditions in Iraq, elections for the Kurdish parliament, and conditions of the Iraqi opposition.

The text of the interview follows.

[Husayn] How do you assess the recently held elections for members of the Kurdistan parliament?

[Muhammad] From our party's viewpoint, the elections were urgently needed because the Iraqi regime was bent on extricating itself from its commitments toward this part of Iraq. It was necessary to work to fill the administrative vacuum that developed and remedy the problems caused by the economic and administrative blockade. There were various ideas about holding the elections. We stressed good preparation for them to guarantee that they would be honest and reflect the aspirations of the Kurdish people for democracy and stability; however, the size of the problems—so it was said—dictated hurrying the elections.

The election campaign was a rich experience that our party deemed highly positive.

A free, democratic atmosphere was available for the campaign, and the dignitaries of the competing parties embraced each other in peace and harmony. All were given the opportunity to advertise slogans and party programs. Of course, there were differences between parties according to material and media resources. We, for example, were able to contact tens of thousands of citizens. We presented them with our assessments and ideas about conditions in Kurdistan and Iraq generally. We heard from many foreign observers and journalists that the election campaign in Kurdistan, the first of its kind, rose to a high level, one as high as election campaigns in developed countries with deep democratic traditions.

The campaign, along with the mass voter turnout, reflected our people's yearning to establish a strong base for the democratic future of Kurdistan and Iraq. Election day turned into a real national holiday. One could see it in the good mood of people and their interest in the



ballot boxes. Women were observed to take part enthusiastically in everything. This is something of extreme importance in a society like ours. It indicates the people's desire to exercise their political rights. Personally, I do not find it strange, for the Kurdish people have suffered greatly in their history from lack of freedoms and democratic rights. Their human rights were openly violated for a long period of time. This imposes a double responsibility on us to be up to this people's level of development of consciousness and perception.

Unfortunately and sadly, this pioneering experiment was marred when fraud took place on election day through cancellation and multiple voting. The secrecy of the balloting was compromised, and not a few actions in violation of the elections law took place, not to mention the insufficient number of ballot boxes. For all these reasons, large numbers of citizens were deprived of the right to vote.

[Husayn] As an Iraqi opposition party not exclusively Kurdish, how do you think the experiment of elections in Kurdistan will affect the other parts of Iraq?

[Muhammad] The first half of the elections, the campaign, was unique in Iraq, whose history has never witnessed any free elections—the same holds for the remaining parts of Kurdistan. This explains the unfriendly attitude of the neighboring countries toward them and the angry position of the Iraqi regime.

The effect of this experiment on Iraq will be immediate and great. The experiment will have a positive impact on the Iraqi situation and on the Iraqi people's struggle to rid themselves of the dictatorship and establish a democratic regime. Had the experiment not been marred as I have indicated, its day would have gone down as a memorable one in the history of Iraq.

[Husayn] Some Arab and foreign circles have seen the holding of elections against the will of the ruling regime in Baghdad as a step toward Kurdish secession and the partition of Iraq.

[Muhammad] Why do they see the matter in this way? Why should one consider holding local elections in part of Iraq as the partition of the Iraqi state? Kurdistan was left without an administration. The authorities withdrew from it of their own volition to impose an economic and administrative blockade on this part of Iraq. Why and for how long must Kurdistan remain without an administration and the Kurdish people suffer famine and anarchy? From our point of view, the Kurdish Front delayed a long time in making the necessary arrangements to administer Kurdistan. The region remained without an administration for many months, which caused many problems and great difficulties for the residents. We do not see what happened as a secessionist act or a step toward partition. All the parties that entered the elections proposed slogans and programs focusing on solving the Kurdish problem in the Iraqi context, not outside of it. No party called for secession and partition of Iraq. The reality is that Kurdistan's relationship to Iraq will depend largely on the policy of the current

regime and the nature of the system of government that succeeds it. As for the prevailing currents in the Kurdish movement, they agree on a solution within the Iraqi framework.

[Husayn] How does your party view the existing situation in Iraq, and how does it envision its future developments?

[Muhammad] We, like the other forces in the Iraqi opposition, have raised and continue to raise the slogan of overthrowing the dictatorship and establishing a democratic alternative to it. We think this slogan reflects the aspirations of the Iraqi people—Arabs, Kurds, and minorities. The difficult conditions Iraq is experiencing cannot be ended, neither can the great problems the Iraqi people are confronting be solved without getting rid of this dictatorship and implementing democracy.

Within a period of ten years the present Baghdad regime has caused two aggressive wars to be launched against neighbors: the war against Iran and the invasion, occupation, and annexation of Kuwait—not to mention a third, internal war against the Iraqi people in its various ethnic groups. Many disasters and tragedies have resulted. The regime has thereby forfeited its every right to rule and remain in power, if it ever had such a right. But this is not enough by itself to remove the regime. One must tighten the strangle hold on the regime, which now is facing a crisis from which I do not think it will emerge. Sadly, the Iraqi opposition still has not discovered the mechanism needed to eliminate the dictatorship.

The situation in Kurdistan, as you see, is good. The situation in the south is explosive. In the rest of Iraq, the popular situation is favorable for the work of the opposition. Coordinated work among all parts of the opposition is needed, especially between the Joint Action Committee and the Kurdish Front, to move to overthrow the dictatorship.

[Husayn] The forces of the opposition have agreed for a long time that the basic step in overthrowing Saddam's regime is to achieve the unity of these forces. What is preventing this unity?

[Muhammad] I believe that the forces of the opposition—I exempt no one—have not made the effort needed to realize this goal. Yes, there is a sort of unity among them, but it is not up to the level required by the present situation in Iraq or the level of the opposition's real potential. This is all taking place at the expense of the Iraqi people and is leading to their continued suffering of troubles and woes. It is not unlikely that the regime is taking advantage of the situation to order its affairs and strengthen itself, or at least lengthen its period in power. One factor that makes the activity of the opposition ineffective is the absence of most of its forces from the domestic scene and the fact that most of their energy is not concentrated on this scene. It is self-evident that the more the forces of the opposition work and move under the impact of the requirements of the struggle inside the country and on its territory, the

closer they will be to harmonizing with these needs. Personally, I am not happy about the state of the opposition. This is something I think every Iraqi feels who awaits a day of salvation soon, particularly as the possibilities for internal action now are much better than they were two years ago. It is extremely necessary that we all work with utter seriousness and dedication, so that we all set our feet on the road of real work to overthrow the regime. I would like to mention another matter related to the work of the opposition. Some forces of the opposition attribute greater importance to external factors than to domestic ones. However, I still believe that domestic factors will decide the issue. True, we need material and political aid from allies and friends, but this must take place on our political ground, and not at the expense of our independent decisionmaking. If we lose this independence, we shall be useless to our people and even to our friends. Help to us from our friends will not become a reality unless we are carrying on real work inside the country. Work overseas, despite its importance, will never be an alternative to work inside the country.

**Kuwaiti Ambassador in Beirut on Lebanon, Saddam**

92AE0460A London AL-HAWADITH in Arabic  
29 May 92 p 33

[Interview with Kuwaiti Ambassador Ahmad al-Jasim by Raja Kamuni in Beirut; date not given: "Lebanon Did Not Abandon Kuwait in Its Ordeal and We Will Not Abandon Lebanon in Its Reconstruction"]

[Text] Lebanese-Kuwaiti relations are characterized by friendship, understanding, and cooperation, and the history of the relations between the two countries shows no blemish despite the changes which have taken place in the balance of power and international and regional parities, all of which have frequently necessitated changes of alliances and relationships of every kind. Kuwaiti diplomacy in Lebanon during the war was a mighty force in attempting to settle the discord between the warring factions, even to the extent of trying to bring pressure internationally and regionally to impose a solution and stop the bloodshed. No money or possible effort was spared. Kuwait's concern for its relationship with Lebanon has been evident in the dedication of Kuwaiti Ambassador Ahmad 'Abd-al-'Aziz al-Jasim, to his duties as his country's ambassador to Syria and Lebanon, and he has become known for his success in the diplomatic posts which he has held over a 30-year period.

Lebanese officials describe him as one of the sponsors of the al-Taif Accord which ended the hostilities in Lebanon and established security in its territory, and he was a member of the six-member commission, which was presided over by former Kuwaiti Foreign Minister Shaykh Sabah al-Ahmad, and which participated in the negotiations carried out by the Trilateral Commission composed of Saudi Arabia, Morocco, and Algeria.

In the Kuwaiti Embassy building in Beirut, Raja Kamuni met Ambassador al-Jasim, who wanted to say that he is

a reader and permanent subscriber of AL-HAWADITH, which he described as the accurate record of the Arab and international scene.

[Kamuni] The visits of Kuwaiti officials to Lebanon are increasing. Are they part of the official Kuwaiti policy to provide assistance for the reconstruction of Lebanon?

[al-Jasim] Lebanon has always been a source of cultural radiance in the Arab region and similar experiences have often linked the Lebanese and Kuwaiti people, especially during the invasion of Kuwait. After the security situation stabilized in Lebanon, the Kuwaitis returned to establish jobs and projects that contribute to the reconstruction, and we hope that the summer season in Lebanon this year will blossom with the return of the Kuwaitis to their homes in the Lebanese resorts when the final solution is found to the problem of the occupation of the homes of Kuwaitis, whether in the resorts or in the capital Beirut.

With regard to the assistance for reconstruction, we are striving to rebuild the infrastructures, and Kuwait is working on three levels: Direct Kuwaiti support to Lebanon by providing low-interest loans as happened with regard to financing the first stage of the re-outfitting of the electricity network. We have also provided \$1.5 million in support of service and production establishments so that the Lebanese economy will not change into a dependent economy but rather a productive economy. This is what we are striving for in cooperating with our Lebanese brothers. We are also considering providing loans particularly for telecommunications projects, and we are awaiting the studies which are now being prepared by the Ministry of Communications. Kuwait shared in the gift of \$100 million provided by Saudi Arabia and the United Arab Emirates, following the formation of the government of President Salim Al-Huss right after the signing of the Al-Taif Accord. We still expect to offer projects and proposals in the sectors which support the Lebanese economy and the return of growth, and we will try to obtain the necessary financing from Arab funds, whether the Kuwaiti Fund or any other fund.

The basic problem, however, is the nonavailability of the necessary and complete studies for participating in new projects; nevertheless, Kuwait has assured Lebanon of a share of the funds which are being set aside for supporting the fraternal countries which stood by Kuwait during its crisis.

[Kamuni] There also appears, however, to be a UN resolution prohibiting the granting of aid to Lebanon because of its political positions.

[al-Jasim] Lebanon is a fraternal Arab country and close relations bind us to it. It stood beside us from the first day of the invasion of Kuwait until its liberation, and we remember the influential position of the President, Dr. Salim Al-Huss, who was at that time president of the first Lebanese government formed after the Al-Taif Accord, when he announced from Cairo his condemnation of the Iraqi invasion of Kuwait, and demanded the withdrawal

of the invaders and the return of legitimacy. There were also other positions taken by Lebanese officials and the people of Lebanon in support of Kuwait and its people in Arab and international circles. These Lebanese positions are not strange, considering the fact that the Lebanese people have undergone an ordeal similar to our ordeal, since we are two small peoples living within two confined spaces on earth that were subjected to occupation and invasion, though our own occupation, sadly, was unexpectedly at the hands of an Arab brother, and we can find no explanation for it. The Israeli aggressions in Lebanon, for example, were expected, but Saddam's invasion of Kuwait was unanticipated, especially after the support we were giving him during his war with Iran. I do not think there is such a UN resolution, especially since the officials and people of Kuwait have both shown continual readiness to give assistance in various domains.

[Kamuni] Did Kuwait, following the liberation, begin negotiating with the Iraqi opposition or with the true representatives of the Iraqi people?

[al-Jasim] The Iraqi people are our people, and ties of kinship unite the Iraqis and the Kuwaitis. The Iraqi people are currently reflected in the Iraqi opposition which visited Damascus and Beirut. I met many of its leaders, and each one affirmed that Saddam does not represent the Iraqi people, and that he has remained in power because he enjoys the protection of the intelligence service and the apparatuses of repression which have been functioning continuously for 33 years. These apparatuses work to protect themselves through him, because their survival depends on his staying in power.

[Kamuni] What is Kuwait's role in the attempt to overthrow Saddam Husayn?

[al-Jasim] Kuwait supports the initiative of the Iraqi opposition to liberate the Iraqi people, trying to overthrow Saddam and unite its common elements; but, unfortunately, it has not created a unified leadership. The Iraqi opposition has still not agreed on a place or time for its second conference.

[Kamuni] Kuwait is preparing to hold parliamentary elections. Does that mean the return of total democracy?

[al-Jasim] Democracy in Kuwait is in excellent health, and all of the parties are satisfied with the distribution of responsibilities and political and official posts, even the opposition. In accordance with the 1962 constitution, there will be fair and democratic elections as the Kuwaitis become acclimated.

[Kamuni] In your opinion, how was Kuwait able to overcome the problems which befell its citizens and people during the time of the invasion?

[al-Jasim] The Kuwaiti institutions considered it a unique opportunity to have been able to support the resistance of the Kuwaitis during the invasion and the oppression of its economic and living conditions, because the Kuwaiti economy rests on the institutions in Kuwait and those belonging to it, and these are what any

economy must rest on in order to confront the obstacles and problems which hinder it.

[Kamuni] When will the Kuwaiti Embassy in Lebanon return to conducting its business independently of its embassy in Damascus?

[al-Jasim] The Kuwaiti diplomats in the Beirut Embassy are continuing their daily work and duties. As for me, I divide my time between our embassies in Beirut and Damascus, which affords cooperation and contact with foreign countries, since we send our diplomatic mail to Damascus and from there we conduct the business of both embassies with foreign countries. This is due to the difficulty of outside communication between Beirut and abroad. We are awaiting the completion of repairs and implementation of new projects on the communications networks in Lebanon.

At the conclusion of the meeting, Ambassador al-Jasim proposed the creation of a Lebanese-Kuwaiti marketing company to facilitate commercial and other activity between the two countries, and he called on the Lebanese to cooperate and provide lucrative projects in order to raise the necessary financing for them. He stated Kuwait's support for Lebanon and noted that contacts are still in progress to revive the idea of the International Arab Fund. He referred to the international pressure which is being exerted within the context of the peace conference negotiations and the problem of the two German hostages in Lebanon as some of the obstacles in the way of the return of economic stability, especially to Lebanon.

#### **Kuwaiti Writer Calls King Husayn 'Snake'**

92AE0426A London SAWT AL-KUWAIT  
AL-DUWALI in Arabic 9 Jun 92 p 3

[Commentary by Fu'ad al-Hashim]

[Text] The Jordanian "monar..." [as published] King Husayn launched a strong attack against Kuwait, Saudi Arabia, and the rest of the Gulf states. In a speech which he gave the day before yesterday, he described Kuwait as "a country of thirst, salt, and burning oil," though several times the runways of the Kuwait airport would have seen, had life been breathed into them, the wheels of his airplanes touch down on his inauspicious visits to us, made to grab favors and take money to cover the expenditures of this fragile kingdom, which appeared only to protect Israel's back and to hatch plot after plot, beginning with turning Palestine over in 1948, through the aggression of 1956, the disaster of 1967, up to the September 1970 massacre, and ending with the "mother of all conspiracies," which broke the back of the Arab nation on August 2, 1990, with the destruction of Kuwait!

I had no confidence at all in this traitor. When his airplane would land at the Kuwait airport during the Kuwaiti-Jordanian honeymoon years, I was like one seeing a serpent in the place of a king. Treachery was flowing in his veins instead of blood, and three fourths of the plots that this "lout" hatched against the late leader Jamal 'Abd-al-Nasir were enough to bury this nation in

the ground for a thousand years. How I wished I could write this opinion of mine at that time, but it was not the time nor the place, for he was "the king of an Arab sister state, and relations between it and Kuwait could not be disturbed." Then what happened happened, and it turned out that my private opinion had been clearer than the official view. "The tail of a dog will never be a...even if it is put in a..." [as published]

King "Husayn ibn Talal ibn 'Awn," is the phrase written on the cover of Jordanian passports, and can only be read with a magnifying glass. But who is this 'Awn? That is a curious story, known to every elderly Jordanian and Palestinian. We will now recount what has been revealed of it.

It is told that one of the ancestors of Sharif Husayn, the present king's grandfather, was married to an infertile wife. So Istanbul, the Sublime Porte, sent him a present in the form of a beautiful Christian slave girl, who perhaps would enable the Sharif line to continue. After her arrival, the great grandfather discovered that she had come to him "full" and not empty. He said to his old wife, "Let us conceal the fact, and say that it is a child of mine, perhaps God will make of him a help [awn] for us." The old woman agreed, and there came into the world a newborn who was named "'Awn," and this was included among the people of the Jordanian house of Sharif! The name has now come to be printed on the cover of Jordanian passports, in extremely small print: "Husayn ibn Talal ibn ... 'Awn"!

The deposed Lebanese general, Michel 'Awn, was one side of the "infamous triangle," along with Saddam Husayn and King Husayn, and it seems that this relationship was not born in a few years. Rather, if we look carefully, we discover that General 'Awn and King Husayn had the same grandfather, that 'Awn of old, who begot for the Arab nation the "new Pharaoh."

"The Hashemite Kingdom of Jordan" ... King 'Abdallah summed it up in one sentence when he said, "Discontent is al-Salt, blindness is Amman, and the curse of God be upon al-Karak, Irbid, and Ma'an!" That is all of Jordan. It rose to create Israel, and since Israel has become a fixed reality, Jordan is now setting, to where it will meet with disaster!

**Egyptian Press Reportedly Links Islamist Groups**  
92AF0978B Algiers ALGER REPUBLICAIN in French  
16 Jun 92 p 3

[Unattributed article: "Egypt Accuses the FIS (Islamic Salvation Front) and 'En-Nahda' of Financing 'Al-Jihad'"]

[Text] The newspaper AL-HAYAT published in London reports that Egyptian authorities claim to have identified the sources of outside financing benefiting the organization called "Al-Jihad Al Islami" [Islamic Jihad], which murdered Dr. Faradj Fouda, and they are accusing certain states.

According to the newspaper, Egyptian authorities claim that there is a close link between the "Al-Jihad" organization, the FIS [Islamic Salvation Front] dissolved in Algeria, the Tunisian movement "Annahdha," and Sudan's Arab-Islamic People's Congress.

The newspaper adds, still based on the same sources, that very strict security measures have been taken at all points of entry into Egypt, so as to check all individuals coming from these countries and to prevent members of the "Al-Jihad" organization from fleeing abroad.

These are actively looked for in the provinces. Some of them are directly involved in the assassination of Dr. Faradj Gouda, including the leading suspect, Achraf Ibrahim Salem, who is one of the "Al-Jihad" leaders.

According to the same sources, some States, whose governments support Islamic movements, are accused of financing Dr. Fouda's murder and other acts of violence in Egypt.

#### Arab Investment Court Sets Basic Rules

92AE0410A Jeddah 'UKAZ in Arabic 14 May 92 p 14

[Report and text of Arab Investment Court statutes, by Ahmad Rajab: "'UKAZ AL-IQTISADI Scoops Publication of Arab Investment Court Statutes: 'Five Judges Selected by Arab League Social, Economic Council; Court's Jurisdiction: Resolving Disputes Pursuant to Unified Arab Financial Capital Agreement'"]

[Text] Cairo—In implementation of resolutions of the Arab Economic Council [AEC], and in the context of measures related to establishing the Arab Investment Court [AIC], the Secretariat of the League of Arab States has finished establishing AIC's statutes. The statutes contain eight sections and 53 articles, as follows:

The sixth section of AIC's statutes contains three articles organizing the submission by disputants of requests for a review of decisions made by the court and the measures to be followed in this regard.

The seventh section contains AIC's consultative responsibility, since it has the right to issue a nonbinding consultative opinion on any legal issue falling within its purview.

The eighth and final section of AIC's statutes contains various general provisions related to the pursuit of deliberations before it.

'UKAZ AL-IQTISADI is unique in publishing the details of AIC's statutes, which have been prepared by the Secretariat of the League of Arab States.

#### AIC Statutes

##### Section 1—Organizing AIC

###### Article 1

AIC is a judicial agency having no fewer than five judges selected by the Social and Economic Council [SEC] of the League of Arab States from a roster containing the candidates of party states, whose moral and practical

qualities qualify them to assume elevated judicial posts. The SEC shall appoint one of these judges as chief judge of the court.

The SEC shall also select a number of alternate judges from this list.

The term of membership shall be established at three years, which may be renewed.

#### Article 2

Members of AIC shall take the following oath before SEC: "I swear by Almighty God to carry out my duties faithfully, honestly, and without partiality or capriciousness."

#### Article 3

Judges whose nationality is that of the parties to the case may not take part in its consideration, provided this does not result in the court being unable to convene to consider the case. In this event, it shall be considered by the full court.

#### Article 4

1. The court's general assembly shall be composed of all its original members, with the chief judge of the court presiding, who shall call for its convening.

2. The general assembly shall convene at least once each year. Its convening shall not be valid unless a majority of the members are in attendance. Resolutions shall be issued by majority vote of those present.

3. The chief of the deputies or deputy, as the case may be, shall attend sessions of the general assembly, except for sessions devoted to the consideration of issues listed under Section 2 of these statutes, and he shall participate in its discussions without his vote being counted in its deliberations.

4. The general assembly is responsible for establishing the bylaws for work at the court and for considering all issues related to its management, operating procedures, and the formation of departments.

#### Article 5

The chief judge of the court is its highest authority, and he shall represent it before others. In the event of his absence or other incapacitation, he shall be replaced by the most senior member, or the eldest, in the event of equal seniority.

#### Article 6

In the event of vacancy in the post of one of the court's members, his post shall be filled by his alternate member, if any, or the most senior on the roster of alternate members, provided that this not result in the presence of more than one member of the court from a single nationality. A successor's membership shall continue for the remainder of his predecessor's term.

#### Article 7

The court shall convene in one or several jurisdictions, as the general assembly shall determine, provided that it shall be formed of no fewer than three members. Sessions of the court shall be attended by one or more of its deputies, and shall be held at the headquarters of the League of Arab States. The court may decide to hold such sessions in another location, which it shall specify by justified resolution.

#### Article 8

One or more deputies shall be attached to the AIC, to be selected by the SEC for a renewable term of three years from a roster of Arab men of law prepared for this purpose. Each party country shall nominate two of them. The SEC shall determine their compensation, and they shall be treated as members of the court with respect to privileges, immunities, duties, proscriptions, and measures to dismiss or terminate their services. In the event of multiple deputies, the SEC shall name one as chief deputy.

#### Section 2—Duties, Immunities, Proscriptions, and Termination of Service of Judges

#### Article 9

A judge may not engage in any activity that conflicts with the requirements of his position.

#### Article 10

A judge shall be obliged to respect the integrity and avoidance of suspicion required by his position.

The general assembly shall be responsible for deciding complaints presented against any of its judges.

#### Article 11

A judge may not participate in the consideration of any dispute in which he previously took part as agent, counselor, or attorney on behalf of any party to such dispute, or on which he has previously stated an opinion of any kind whatsoever.

#### Article 12

Should a judge become aware of anything which might prevent him from considering a dispute, he is obliged to notify the chief judge of the court of the reasons therefore. The judge's request shall then be deferred to, and the chief judge of the court shall appoint someone to replace him.

Should the chief judge of the court decide that a judge should not participate in the consideration of a dispute, he must be notified of the reasons therefore. Should he fail to be convinced, the matter shall be presented to the general assembly.

#### Article 13

A judge may not be removed unless the general assembly decides that he has lost its confidence and consideration. Its decision shall be subject to SEC ratification.

**Article 14**

A judge's service shall terminate in the event one of the required conditions for holding his post is not met, or by virtue of his incapacity and inability to carry the burdens of the position. A decree terminating service shall be issued by the general assembly, subject to SEC ratification.

**Article 15**

Should a judge wish to resign from his position, the resignation shall be submitted to the chief judge of the court for presentation to the general assembly. The resignation shall be considered accepted if 30 days pass without a response. The SEC shall be notified of a judge's resignation.

**Article 16**

The general assembly shall consider issues provided for in articles 12, 13, and 14 after hearing the testimony of the judge concerned, and without his participation in its deliberations. Decrees shall be issued by unanimous opinion of those present.

**Article 17**

Party states shall be obliged to respect the neutrality and independence of judges and not to query them regarding acts related to the burdens of their positions.

**Article 18**

Members of the court shall enjoy diplomatic immunity with respect to the performance of their work. Their compensation and the allowances to which they are entitled shall be exempt from all taxes.

**Section 3—Court Jurisdiction****Article 19**

The court shall be responsible for decisions on disputes brought before it pursuant to the provisions of Section 6 of the Unified Agreement on the Investment of Arab Financial Capital. It shall also be responsible for considering disputes referred to it by the SEC pursuant to the provisions of Article 13 of the Agreement on Facilitation and Development of Commercial Exchange Among Arab Countries.

**Section 4—Litigation Procedures Before the Court****Article 20**

A case shall be raised by filing an application with the court registrar in an original and a sufficient number of copies.

The plaintiff shall specify in the application his elected address within the city where the court is located, otherwise he will be deemed properly notified by any papers filed with the court registrar.

**Article 21**

1. Apart from general information related to the plaintiff's name and residence and the defendant or defendants, the application must contain the object of the case and a statement of the supporting documentation. The plaintiff may present an explanatory brief with the application clarifying the bases for his claim.

2. The documents shall be submitted in a folder indicating the date and contents of each document in consecutive numbers, consisting of an original and copies of the folder and its documents equivalent to the number of parties to the case. The original folder and documents shall be retained in the case file. The documents may be submitted in a foreign language provided they are accompanied by their translation into the Arabic language.

The individual concerned may attach to the folder authenticated copies of the documents, provided they bear the signature of the submitter or his representative.

The court registrar shall notify the defendant by copy of the case application and its attachments within no more than 15 days from the date it is submitted.

Within 60 days of being so notified by copy of the case application and attachments, the defendant must file with the court registrar his response and defense, accompanied by the documents, papers, and files related thereto, with a sufficient number of copies of such response and supporting documents. The defendant shall also specify his elected address within the city where the court is located, otherwise he will be deemed properly notified by any papers filed with the court registrar.

The plaintiff may file with the court registrar a brief containing his comments accompanied by whatever documents he may have within the 30 days following the 60 days allowed for response to the case. Should the plaintiff avail himself of his right to comment, the defendant is entitled to file within an identical period a final brief with his observations on such comments together with the documents which he feels necessary to submit.

Within one week of conclusion of the second time period granted to the defendant to respond, the court registrar shall transmit the case file to the deputy.

**Article 23 [as published]**

The chief judge of the court shall determine the sums to be deposited for costs of deciding the case, provided that such sums be deposited prior to its consideration, or else they will be considered as nonexistent.

Upon deciding the case, the court shall specify the party or parties who are to bear the costs.

**Article 24**

The deputy shall be responsible for preparing the case and readying it for the proceedings. In so doing, he may contact related agencies to obtain whatever papers or data may be necessary, summon the case's parties to question them about facts he deems necessary to investigate, oblige them to submit supplementary briefs or documents, and other investigative procedures under a

deadline which he shall specify for that purpose. In readying the case, a delay may not be repeated for a single reason.

Nonetheless, if the deputy deems it necessary, he may grant a new deadline.

After completing readying of the case, the deputy shall file a report in which he specifies the facts and the legal issues raised by the dispute, and he shall state his opinion with justification. The parties to the case have the right to view the deputy's report at the court registrar's office, and they may request a copy of it at their expense.

#### Article 25

The deputy shall present the case file to the chief judge of the court to set a session date for considering the case. The court registrar shall notify the case's parties of such date at least 30 days prior to the session date.

#### Article 26

The chief judge of the court may ask the parties or the deputy for any clarifications he deems necessary, and he may return the case file to the deputy to do so and to submit a supplementary report. The court shall not accept any rebuttal, request, or papers that were to have been submitted before the case was referred to the court unless it shall have been demonstrated to it that the causes of such rebuttal, request, or paper submission occurred after the referral or that the requestor was unaware of it at referral.

The court may request one of the parties at any stage of the case to file documents or submit any other evidence it deems necessary, and it may also ask to obtain information it deems necessary to obtain.

#### Article 27

Should the court deem it necessary to conduct an investigation, the court itself shall initiate it in the session, or it shall be conducted by the members or deputies it shall delegate for that purpose.

#### Article 28

Each party to the case may present his defense by himself, orally or in briefs, or via an attorney accepted for proceedings before appellate courts or the equivalent in Arab countries.

#### Article 29

The court may evaluate the evidence in the case, and it may dismiss any of it, if it deems it to be unproductive to the case.

#### Article 30

Anyone summoned to testify before the court shall take the following oath before giving his testimony: "I swear by Almighty God to tell the truth."

#### Article 31

Should the court decide to appoint an expert, it shall specify in the decision the scope of his mission and the measures he shall be permitted to take. The court shall assess the surety bond to be deposited with the court treasury on behalf of his mission and the party obliged to deposit it. Prior to initiating his mission, each expert shall take the following oath: "I swear by Almighty God to carry out my mission with fidelity and honesty."

#### Article 32

The court shall decide on challenges related to its having jurisdiction, whether concerning the original request or an incidental request.

The court may of its own accord decide on challenges related to public order.

#### Article 33

An incidental request or intervention shall not be permitted without the approval of the court and with the same measures followed in filing the case. Incidental requests may not be submitted while the case is being considered, unless they are tied to the original request.

#### Article 34

1. In urgent cases where it is feared that unforeseeable damages could occur if normal deadlines and procedures for preparing the case are adhered to, a request may be submitted to the chief judge of the court to shorten the deadlines and procedures and to set an earlier session to consider the urgent request and to issue a temporary judgment—without impinging on the original right—to take any measure the court deems appropriate to protect the positions or rights being threatened.

2. The request for decree of an urgent temporary measure shall be submitted on an application asking that an urgent session be specified as soon as possible, provided that all other parties are notified of such session. No temporary measure may be taken without informing such parties or until after they have been notified to attend.

3. At any phase of the case, the court may also take similar such measures should there be any matters which it is feared might disappear and whose disappearance would threaten a piece of corroborating evidence.

#### Article 35

Proceedings shall be open, unless based on a request by the parties to the case, or on the request of one of them, all other parties having no objection, the court shall of its own accord conduct it secretly out of concern for morality or to preserve public order or commercial secrets.

#### Article 36

Control and management of the session is entrusted to the chief judge, it is he who directs questions, and he may eject from the courtroom anyone causing a disturbance.

**Article 37**

The court shall order the confirmation of whatever requests, rebuttals, relinquishments, or reconciliations the parties to the case or their agents make verbally.

The court may, even of its own accord, order the striking of phraseology which is offensive, or contrary to morality or public order, from any proceedings papers or briefs.

**Section 5—Issuing and Enforcing judgments****Article 38**

1. Judgments shall be deliberated in secret by the judges in assembly, and no one other than the judges who heard the proceedings may participate. Judges who participated in the deliberations must attend the reading of the judgment. Should one of them be otherwise incapacitated, he must have signed the judgment draft.

2. Judgments shall be issued by majority opinion. If there is no majority, and opinions are split among more than two opinions, the lowest-numbered faction, or the faction containing the most recent judges, must join in one of the two opinions having the greatest number, after opinions are polled a second time. In the event of a tie, the opinion shared by the chief judge shall prevail. The judgment must include the names of the judges who participated in issuing it. A dissenting judge may record at the end of the judgment the reasons for his dissent.

**Article 39**

The judgment shall be pronounced aloud in open session. The judgment must include the reasons on which it was based, or it shall be invalid. The judgment draft containing its reasoning, signed by the chief judge and the members when the judgment is pronounced, must be filed or else it is invalid. The draft shall be retained in the case file.

**Article 40**

The chief judge and the clerk shall sign the original copy of the judgment containing the facts of the case, the reasoning, and the pronouncement.

**Article 41**

Court judgments shall be considered final and binding on the parties to the case. The party in whose behalf the judgment was issued may present an enforceable copy of it to the party against whom it was made for enforcement in the manner in which judgments issued by its national courts are enforced.

**Article 42**

The court, by a decree it issues at the request of one of the parties, or of its own accord—without proceedings—is responsible for correcting any purely physical written or calculation errors that have occurred in the judgment. The court registrar shall make such correction on the original copy of the judgment and sign it together with the session's chief judge.

**Article 43**

Should there be any ambiguity or uncertainty in the judgment pronouncement, any party may request that the court interpret it. The request shall be submitted via the normal procedures for filing a case. The session clerk shall record the judgment issued with the interpretation in the margin of the original judgment copy of the original judgment [as published]. The judgment issued with the interpretation shall be considered as complementary to the original judgment.

The interpretation may not be used as a pretext for issuing a judgment which contradicts or amends the judgment whose interpretation is requested, or else the interpreted judgment shall be invalid.

**Section 6—Petitioning Reconsideration of Judgments****Article 44**

A petition for reconsideration of judgments issued by the court shall be accepted under the following circumstances:

A. Should the judgment contain a serious infringement of a basic principle in the agreement or in judicial procedure.

B. Should an fact of decisive effect on the judgment come to light, which was unknown to both the court and the petitioning party when the judgment was issued.

C. Should an adversary have cheated, deceived, or forged in a manner affecting the judgment.

**Article 45**

1. The deadline for petition in the case provided for in paragraph A of the preceding article shall be six months beginning the date the judgment is issued.

2. The petition deadline in the two cases provided for in paragraphs B and C shall be six months from the date the reason is discovered and prior to five years having elapsed since the judgment was issued.

**Article 46**

The petition shall be made to the court in accordance with the procedures established for filing cases, within the deadline referred to in the preceding article. The application must include information on the judgment being petitioned and the reasons for doing so, otherwise it shall be invalid.

**Article 47**

The court shall first decide whether or not to accept the petition. Should it accept it, it shall set a session for proceedings on the subject after preparing it, in accordance with the normal procedures established in this regard. A judgment to allow the petition shall result in halting enforcement of the judgment temporarily by force of law, until the court is able to decide on the subject of the case. Halting of enforcement shall apply to enforcement measures taken by the party in whose favor the judgment was made from the date the petition is



filed. Should the petition be rejected, the petitioner shall be ordered to pay case costs and fees as assessed by the court.

#### **Section 7—Consultative Capacity of the Court**

##### **Article 48**

The court may render a nonbinding opinion on any legal matter within its purview, pursuant to the provisions of Article 36 of the agreement.

One department of the court shall be formed for this purpose. Subjects in which an opinion is requested shall be reviewed by written request containing precise information on the issue about which the opinion is sought, to which is attached all documents which may aid in clarifying it. The department head shall refer the request to the deputy to provide a legal opinion thereon. The department head shall set a session to discuss the subject in light of the deputy's report, and in his presence. The report shall be issued with justification.

#### **Section 8—Miscellaneous General Provisions**

##### **Article 49**

The deadlines referred to in these statutes shall be increased by a distance deadline of 60 days for anyone whose home is outside the court's headquarters country.

##### **Article 50**

All announcements and notices referred to in these statutes shall be considered proper, if they are delivered to the person being notified, or if they are directed to him at his home or work location by registered letter accompanied by return receipt.

The announcement or notice shall be effective from the date of delivery, or the date of receipt confirmed by return receipt, or after the passage of 10 days from the date of its recording at the post office.

##### **Article 51**

A registrar shall be appointed to the court, to be assisted by a sufficient number of employees. Appointment shall be by decree of the court's chief judge, pursuant to the employment system in force at the Secretariat of the League of Arab States.

##### **Article 52**

The court's general assembly shall establish an estimated draft budget for the court, which shall be referred to the Secretariat of the League of Arab States prior to the beginning of the fiscal year in sufficient time for it to be included in the secretariat's budget.

Expenditures from the budget shall be made in accordance with the authorities specified by the court's general assembly. Its accounts shall be audited in accordance with the principles and circumstances under which the secretariat's accounts are audited.

##### **Article 53**

The court's general assembly may—should it find the need to do so—establish a technical office for the court providing a variety of expertise, to be entrusted with

conducting technical studies and research which the work of the court may require.

#### **Implications of Maghreb-Europe Pipeline Noted**

*92AF0978A Algiers ALGER REPUBLICAIN in French  
27 Jun 92 pp 1, 3*

[Article by Mortada Zabouri]

[Text] The agreement to launch the Maghreb-Europe gas-pipeline project was signed. In a first stage, the project will have a capacity of 8 billion cubic meters [m<sup>3</sup>] of gas. It will supply gas to southwest Algeria, Spain (6 billion m<sup>3</sup>), and Morocco. As soon as this stage is started, the project will snowball with, in particular, increasing interest from France. For instance, the French general director of energy joined the Algerian-Moroccan-Spanish three-way negotiations on 26 June 1992.

The start of the active phase of the project, worth \$1.5 billion and of assured profitability, is of considerable strategic import. It is both the crowning and the starting point of considerable technical work and redeployment on the part of Sonatrach [National Company for the Transport and Marketing of Hydrocarbons] and its partners. In fact, it amounts to studies, management, and financing agreements for a gas pipeline over 1,000-km long, going through several countries and a variety of topographies, including the Strait of Gibraltar.

For obvious reasons, Sonatrach is at the center of this project and these efforts.

The project will also contribute to bring Algeria into the world economic mainstream, by way of the Maghreb integration factor.

With this project, Algeria also becomes a subject for worldwide concerns relating to environmental protection.

Actually, this gas pipeline (coming after a few aberrant years during which some assumed they could announce the post-oil era) reaffirms trends and orientations likely to pull Algeria in the direction of development, and therefore modernity. The impetus that the project can be expected to provide for the Algerian industry and engineering will testify to that. For example, the project will represent a large market for the Sider tubing plant.

Apart from its strictly economic aspects, the project, which will make European countries dependent on Algeria for their gas supplies, will also strengthen Europe's structural link to Algeria's modern and stable future. The project also represents an achievement with respect to security in the region and in the Mediterranean.

The atmosphere prevailing at the press conference, the explanations provided by Mr. Ait Laoussine, other ministers, the three-party negotiators, and Sonatrach officials, are all indications that Politics with a capital P has prevailed and replaced demagoguery.